

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S..B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the continuation of the Texas Holocaust and Genocide Commission as an advisory committee to the Texas Historical Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 449, Government Code, is amended to read as follows:

CHAPTER 449. TEXAS HOLOCAUST AND GENOCIDE ADVISORY COMMITTEE

~~[COMMISSION]~~

SECTION 2. Section 449.001, Government Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Advisory committee" means the Texas Holocaust and Genocide Advisory Committee.

(1-a) "Commission" means the Texas Historical
~~[Holocaust and Genocide]~~ Commission.

SECTION 3. Section 449.002, Government Code, is amended to read as follows:

Sec. 449.002. APPLICATION OF SUNSET ACT ~~[PROVISION]~~. The advisory committee ~~[Texas Holocaust and Genocide Commission]~~ is subject to Chapter 325 (Texas Sunset Act). The advisory committee shall be reviewed during the period in which the commission is reviewed ~~[Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires~~

1 ~~September 1, 2021]~~.

2 SECTION 4. Section 449.004, Government Code, is amended to
3 read as follows:

4 Sec. 449.004. ADVISORY COMMITTEE [~~COMPOSITION OF~~
5 ~~COMMISSION~~]. (a) The Texas Holocaust and Genocide Advisory
6 Committee is established as an advisory committee to the
7 commission.

8 (b) The advisory committee [~~commission~~] is composed of [~~18~~
9 ~~members as follows:~~

10 [~~(1)~~] 15 [~~public~~] members appointed as follows:

11 (1) [~~(A)~~] five [~~public~~] members appointed by the
12 governor;

13 (2) [~~(B)~~] five [~~public~~] members appointed by the
14 lieutenant governor; and

15 (3) [~~(C)~~] five [~~public~~] members appointed by the
16 speaker of the house of representatives[, and

17 [~~(2) three ex officio members as follows:~~

18 [~~(A) the commissioner of education,~~

19 [~~(B) the commissioner of higher education, and~~

20 [~~(C) the executive director of the Texas Veterans~~
21 ~~Commission.~~

22 [~~(b) The speaker of the house of representatives shall~~
23 ~~designate a member of the house and the lieutenant governor shall~~
24 ~~designate a member of the senate to advise the commission].~~

25 SECTION 5. Section 449.005, Government Code, is amended to
26 read as follows:

27 Sec. 449.005. ADVISORY COMMITTEE [~~PUBLIC~~] MEMBERS:

1 ELIGIBILITY; APPOINTMENT; VACANCY. (a) A person appointed as a
2 ~~[public]~~ member of the advisory committee ~~[commission]~~ must be a
3 resident of this state.

4 (b) Members ~~[Public members]~~ of the advisory committee
5 ~~[commission]~~ must include:

6 (1) persons who have served prominently as leaders of
7 or spokespersons for public or private organizations that serve
8 members of religious, ethnic, national heritage, or social groups
9 that were subjected to the Holocaust or other genocides;

10 (2) persons who have significant professional
11 experience in the field of Holocaust or genocide education;

12 (3) persons who represent liberators of Holocaust or
13 other genocide victims; and

14 (4) persons who have demonstrated a significant,
15 particular interest in Holocaust or genocide education.

16 (c) Appointments of ~~[public]~~ members to the advisory
17 committee ~~[commission]~~ shall be made:

18 (1) without regard to the race, color, disability,
19 sex, religion, age, or national origin of an appointee; and

20 (2) so that each geographic area of this state is
21 represented on the advisory committee ~~[commission]~~.

22 (d) The original appointing authority shall fill any
23 vacancy in a ~~[an appointed]~~ position on the advisory committee
24 ~~[commission]~~ for the unexpired portion of the term.

25 SECTION 6. Section 449.007, Government Code, is amended to
26 read as follows:

27 Sec. 449.007. REMOVAL OF ADVISORY COMMITTEE ~~[PUBLIC]~~

1 MEMBER. (a) It is a ground for removal of a [~~public~~] member from
2 the advisory committee [~~commission~~] if the member:

3 (1) is ineligible for [~~public~~] membership under
4 Section 449.005(a);

5 (2) cannot because of illness or disability discharge
6 the member's duties for a substantial part of the term for which the
7 member is appointed; or

8 (3) is absent from more than three consecutive
9 regularly scheduled advisory committee [~~commission~~] meetings that
10 the member is eligible to attend during a calendar year unless the
11 absence is excused by majority vote of the advisory committee
12 [~~commission~~].

13 (b) The validity of an action of the advisory committee
14 [~~commission~~] is not affected by the fact that it is taken when a
15 ground for removal of an advisory committee [~~a commission~~] member
16 exists.

17 (c) If a member of the advisory committee [~~commission~~] has
18 knowledge that a potential ground for removal exists, the member
19 shall notify the presiding officer of the advisory committee
20 [~~commission~~] of the potential ground. The presiding officer shall
21 then notify the governor and the attorney general that a potential
22 ground for removal exists.

23 SECTION 7. Section 449.008, Government Code, is amended to
24 read as follows:

25 Sec. 449.008. TERM OF ADVISORY COMMITTEE [~~PUBLIC~~] MEMBER.

26 (a) Members [~~Public members~~] of the advisory committee
27 [~~commission~~] serve staggered four-year terms with the terms of

1 seven or eight members expiring February 1 of each odd-numbered
2 year.

3 (b) An advisory committee [~~A public~~] member is eligible for
4 reappointment to another term or part of a term.

5 (c) An advisory committee [~~A public~~] member may not serve
6 more than two consecutive terms. For purposes of this prohibition,
7 a member is considered to have served a term only if the member has
8 served more than half of the term.

9 SECTION 8. Section 449.009, Government Code, is amended to
10 read as follows:

11 Sec. 449.009. OFFICERS; SUBCOMMITTEES. (a) The governor
12 shall designate a [~~public~~] member of the advisory committee
13 [~~commission~~] as presiding officer to serve in that capacity at the
14 pleasure of the governor.

15 (b) The presiding officer of the advisory committee
16 [~~commission~~] may appoint a subcommittee for any purpose consistent
17 with the duties of the advisory committee [~~commission~~] under this
18 chapter.

19 SECTION 9. Section 449.010, Government Code, is amended to
20 read as follows:

21 Sec. 449.010. COMPENSATION; EXPENSES. [~~(a)~~] A [~~public~~]
22 member of the advisory committee [~~commission~~] is not entitled to
23 compensation but is entitled to reimbursement for the travel
24 expenses incurred by the member while transacting advisory
25 committee [~~commission~~] business, as provided by the General
26 Appropriations Act.

27 [~~(b) An ex officio member's service on the commission is an~~]

1 ~~additional duty of the underlying position that qualifies the~~
2 ~~member for service on the commission. The entitlement of an ex~~
3 ~~officio member to compensation or to reimbursement for travel~~
4 ~~expenses incurred while transacting commission business is~~
5 ~~governed by the law that applies to the member's service in that~~
6 ~~underlying position, and any payment to the member for either~~
7 ~~purpose must be made from money that may be used for the purpose and~~
8 ~~is available to the state agency that the member serves in that~~
9 ~~underlying position.]~~

10 SECTION 10. Section 449.011, Government Code, is amended to
11 read as follows:

12 Sec. 449.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a)
13 The advisory committee [~~commission~~] shall meet at least quarterly
14 at the times and places in this state that the advisory committee
15 [~~commission~~] designates.

16 (b) Seven voting members of the advisory committee
17 [~~commission~~] constitute a quorum for transacting advisory
18 committee [~~commission~~] business.

19 (c) [~~An ex officio member of the commission may not vote on~~
20 ~~commission business.~~

21 [~~(d)~~] The advisory committee [~~commission~~] shall develop and
22 implement policies that provide the public with a reasonable
23 opportunity to appear before the advisory committee [~~commission~~]
24 and speak on any issue under the jurisdiction of the advisory
25 committee [~~commission~~].

26 SECTION 11. Subchapter A, Chapter 449, Government Code, is
27 amended by adding Section 449.0115 to read as follows:

1 Sec. 449.0115. TRAINING. Each member of the advisory
2 committee shall complete the training program prescribed by the
3 commission. The program must provide the member with information
4 on:

5 (1) the role and duties of advisory committee members;
6 (2) the functions of the advisory committee; and
7 (3) the commission's oversight of the advisory
8 committee.

9 SECTION 12. Section 449.012, Government Code, is amended to
10 read as follows:

11 Sec. 449.012. PERSONNEL ~~[COORDINATOR]~~. The commission
12 shall:

13 (1) hire personnel as necessary to support the
14 advisory committee in fulfilling its duties under this chapter,
15 including establishing staffing levels, position titles, and
16 salaries of the employees and managing and evaluating the
17 employees; and

18 (2) provide other administrative support to the
19 advisory committee as necessary ~~[Texas Historical Commission shall~~
20 ~~provide one part-time employee to serve as the coordinator for the~~
21 ~~Texas Holocaust and Genocide Commission to transact commission~~
22 ~~business].~~

23 SECTION 13. Subchapter A, Chapter 449, Government Code, is
24 amended by adding Section 449.013 to read as follows:

25 Sec. 449.013. APPLICABILITY OF OTHER LAW. Chapter 2110
26 does not apply to the advisory committee.

27 SECTION 14. The heading to Subchapter B, Chapter 449,

1 Government Code, is amended to read as follows:

2 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND
3 ADVISORY COMMITTEE; FUNDING

4 SECTION 15. Section 449.052, Government Code, is amended to
5 read as follows:

6 Sec. 449.052. GENERAL POWERS AND DUTIES OF ADVISORY
7 COMMITTEE AND COMMISSION. (a) The advisory committee, under
8 direction of the commission, shall:

9 (1) provide advice and assistance to public and
10 private primary and secondary schools and institutions of higher
11 education in this state regarding implementation of Holocaust and
12 genocide courses of study and awareness programs;

13 (2) meet with appropriate representatives of public
14 and private organizations, including service organizations, to
15 provide information on and to assist in planning, coordinating, or
16 modifying Holocaust and genocide courses of study and awareness
17 programs;

18 (3) ~~[determine which, if any, existing Holocaust or~~
19 ~~other genocide memorials, exhibits, or other resources could be~~
20 ~~included in or used to support Holocaust and genocide courses of~~
21 ~~study and awareness programs,~~

22 ~~[(4)]~~ compile a list of volunteers, such as Holocaust
23 or other genocide survivors, liberators of concentration camps,
24 scholars, and members of the clergy, who have agreed to share, in
25 classrooms, seminars, exhibits, or workshops, their verifiable
26 knowledge and experiences regarding the Holocaust or other
27 genocide;

1 (4) [~~(5)~~] coordinate events in this state
2 memorializing the Holocaust and other genocides on January 27,
3 International Holocaust Remembrance Day, on the Days of Remembrance
4 established by the United States Congress, or on any other day
5 designated by the advisory committee [~~commission~~] for that purpose;
6 and

7 (5) [~~(6)~~] solicit volunteers to participate in
8 commemorative events designed to enhance public awareness of the
9 continuing significance of the Holocaust and other genocides.

10 (b) In implementing Subsection (a) [~~(a)(3)~~], the advisory
11 committee, under direction of the commission, may contact and
12 cooperate with:

13 (1) existing public or private Holocaust or other
14 genocide resource organizations, including the United States
15 Holocaust Memorial Museum;

16 (2) other museums, centers, and organizations based in
17 this state;

18 (3) state agencies that carry out the educational
19 functions of the state delegated under the Education Code,
20 including the Texas Education Agency and the Texas Higher Education
21 Coordinating Board; [~~and~~]

22 (4) the Texas Veterans Commission; and

23 (5) members of the United States Congress and of the
24 legislature of this state.

25 (c) The commission shall adopt rules as necessary governing
26 the operation of the advisory committee [~~for its own procedures~~].
27 The rules may include the delegation of certain final decisions and

1 authorities to the advisory committee that are appropriate given
2 the committee's advisory status.

3 (d) ~~[The commission may appoint advisory committees to~~
4 ~~advise the commission.~~

5 ~~[(e)]~~ The commission, in coordination with the advisory
6 committee, shall adopt rules, policies, and procedures for the ~~[may~~
7 ~~provide]~~ matching grants program established to assist in the
8 implementation of the ~~[commission's]~~ goals and objectives of this
9 chapter. The commission must prescribe for the program an annual
10 budget, a funding cycle, goals, award eligibility criteria, grant
11 application and selection processes, requirements for in-kind
12 services and matching fund waivers, maximum grant awards, conflict
13 of interest policies, data collection and evaluation, and audits of
14 grant recipients.

15 SECTION 16. Section 449.053, Government Code, is amended to
16 read as follows:

17 Sec. 449.053. FUNDING. (a) The commission may accept gifts
18 and grants from a public or private source on behalf of the advisory
19 committee for the advisory committee ~~[commission]~~ to use in
20 performing the ~~[commission's powers and]~~ duties assigned to the
21 advisory committee under this chapter. ~~[The commission may~~
22 ~~participate in the establishment and operation of an affiliated~~
23 ~~nonprofit organization whose purpose is to raise funds for or~~
24 ~~provide services or other benefits to the commission].~~

25 (b) All legislative appropriations to ~~[The Texas Historical~~
26 ~~Commission may provide staff and may]~~ support the functions and
27 activities of the advisory committee shall be made as part of the

1 commission's legislative appropriations request process and
2 disbursed to the commission [~~Texas Holocaust and Genocide~~
3 ~~Commission from money available to the Texas Historical Commission~~
4 ~~that may be used for this purpose. The legislature may also~~
5 ~~specifically appropriate money to the Texas Historical Commission~~
6 ~~to provide staff and to otherwise support functions and activities~~
7 ~~of the Texas Holocaust and Genocide Commission~~].

8 SECTION 17. Subchapter B, Chapter 449, Government Code, is
9 amended by adding Sections 449.054 and 449.055 to read as follows:

10 Sec. 449.054. COMMISSION REPORT; AUDITS. (a) The commission
11 shall include the activities of the advisory committee as
12 authorized by Section 449.052 in the report the commission is
13 required to submit under Section 442.005(n).

14 (b) The advisory committee is subject to audit and
15 evaluation by the commission or another appropriate state agency,
16 including the state auditor's office.

17 Sec. 449.055. CONTRACTS WITH NONPROFIT ORGANIZATIONS. (a)
18 The commission may contract with one or more nonprofit
19 organizations to assist in fulfilling the advisory committee's
20 duties under this chapter.

21 (b) The commission shall adopt rules relating to contracts
22 entered into under this section. The rules must require each
23 contract to clearly establish:

24 (1) the role of the nonprofit organization in
25 promoting Holocaust and genocide education;

26 (2) the nature of the relationship between the
27 commission and the nonprofit organization;

1 (3) the performance expectations for the nonprofit
2 organization;

3 (4) requirements and expectations regarding the
4 nonprofit organization's employees;

5 (5) the commission's expectations regarding ownership
6 of any literature, media, or other products developed or produced
7 by the nonprofit organization to promote Holocaust and genocide
8 education during the course of the contract;

9 (6) the commission's long-term goals for the advisory
10 committee and the nonprofit organization's role in meeting those
11 goals;

12 (7) a system for evaluating the nonprofit
13 organization's overall performance, including the organization's
14 effectiveness in meeting the performance expectations described by
15 Subdivision (3); and

16 (8) the types of support, other than financial
17 support, the commission will provide to the nonprofit organization
18 to assist in the fulfillment of the advisory committee's duties.

19 SECTION 18. Section 29.9072(c), Education Code, is amended
20 to read as follows:

21 (c) Holocaust Remembrance Week shall include
22 age-appropriate instruction, as determined by each school
23 district. Instruction shall include:

24 (1) information about the history of and lessons
25 learned from the Holocaust;

26 (2) participation, in person or using technology, in
27 learning projects about the Holocaust; and

1 (3) the use of materials developed or approved by the
2 Texas Holocaust and Genocide Advisory Committee [~~Commission~~].

3 SECTION 19. The following provisions of the Government Code
4 are repealed:

5 (1) Section 449.003;

6 (2) Section 449.006; and

7 (3) Section 449.051.

8 SECTION 20. (a) On the effective date of this Act, a public
9 member of the former Texas Holocaust and Genocide Commission
10 becomes a member of the Texas Holocaust and Genocide Advisory
11 Committee and continues the member's term on the advisory committee
12 in accordance with the original appointment on the commission.

13 (b) Section 449.0115, Government Code, as added by this Act,
14 applies to a member of the Texas Holocaust and Genocide Advisory
15 Committee appointed before, on, or after the effective date of this
16 Act.

17 (c) Not later than December 1, 2022, the Texas Historical
18 Commission and the Texas Holocaust and Genocide Advisory Committee
19 shall provide a written report to the Sunset Advisory Commission on
20 the progress of the Texas Historical Commission and the Texas
21 Holocaust and Genocide Advisory Committee in implementing the
22 changes in law made by this Act. The report must identify any
23 obstacles or concerns encountered in implementing the changes.

24 (d) All contracts and agreements of the Texas Holocaust and
25 Genocide Commission are continued in effect as contracts and
26 agreements of the Texas Historical Commission.

27 (e) The Texas Historical Commission shall coordinate with

1 the Texas Holocaust and Genocide Advisory Committee and the
2 Legislative Budget Board to propose goals, strategies, and
3 performance measures for the advisory committee in the commission's
4 legislative appropriations request for the state fiscal biennium
5 ending August 31, 2025.

6 SECTION 21. As soon as practicable after the effective date
7 of this Act, the Texas Historical Commission shall perform an
8 evaluation of the job titles and salaries of personnel employed by
9 the commission to support the Texas Holocaust and Genocide Advisory
10 Committee under Section 449.012, Government Code, as amended by
11 this Act, in order to ensure that the salaries and titles are
12 commensurate with other commission employees with comparable
13 duties.

14 SECTION 22. This Act takes effect September 1, 2021.